IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 11656 of 2004

Between:

S. Narasing Rao S/o. Late S. Maisayya, aged 35 years,

Class IV employee in Government Printing Press,
R/o. 9-3-31/3, Champet, Kattikonikunta, Nahrunagar,

L.B.Nagar Muinicipality, R.R.District.

..... PETITIONER

AND

The Municipal Commissioner, L.B.Nagar Municipality,

L.B.Nagar, R.R.dist, Hyd.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent in not closing the illegally and unauthorisedly constructed sump by neighbouring house of owner of petitioner i.e., Mr. Krishna, beside the petitioner's house bearing No.9-3-31/3 Champapet, Kattikonikunta, R.R.District, Hyd as illegal, and consequently direct the respondent to close the unauthorisedly constructed sump in the petitioner's neighbouring house owner Mr. Krishna's house.

Counsel for the Petitioner : MR.OGIRALA RAMESH, Advocate

Counsel for the Respondent : MR.R.TIMMA REDDY(Standing Counsel for the LB

Nagar Municipality.)

The Court at the admission stage made the following :

ORDER:

The grievance of the petitioner is that in November, 2003, his neighbour one Mr. Krishna constructed a sump with depth of more than eight (8) feet, adjoining the mud wall of the house of petitioner, and due to filling of the sump with water, the house wall of the petitioner got soaked and is sinking day by day, and it may collapse at any moment. The petitioner states that he had made representations to the Station House Officer, Saroornagar Police Station and to the Commissioner, Ranga Reddy Municipality, to take necessary action against his neighbour, in vain. Hence, he filed the present writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the Municipality.

The dispute raised by the petitioner, as to the construction of sump by his neighbour, and if at all the sump constructed by his neighbour is affecting the wall of his house, the dispute being civil in nature, the remedy of the petitioner, if any, is to approach the competent civil Court and seek redress of his grievance, and merely making representations to the respondents and on their non-action thereon, invoking the jurisdiction of this Court to them to act on his representations, is certainly not a remedy.

The writ petition is devoid of merit, and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

09th July, 2004.

YS/tvk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Municipal Commissioner, L.B.Nagar Municipality,

L.B.Nagar, R.R.dist, Hyd.

2. Two CD copies.